

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.389 OF 2016

Kumar Govardhan Galande and another ... Appellants

Vs.

Avinash Benzamin More and others ... Respondents

WITH

CIVIL APPLICATION NO.763 OF 2016

WITH

CIVIL APPLICATION NO.27 OF 2024

IN

SECOND APPEAL NO.389 OF 2016

Mr. Ravindra S. Pachundkar for Appellants / Applicants.

CORAM : MANISH PITALE, J.

DATE : OCTOBER 08, 2025

P.C. :

CIVIL APPLICATION NO.27 OF 2024

. By this application, the applicants (original appellants) are seeking permission to bring on record legal heirs of deceased respondent No.4(a). The document at exhibit-A shows that the said respondent expired on 12.07.2013. There is a delay of 4 years and 193 days in moving the application. Consequently, there are prayers for condoning the delay as well as for setting aside abatement of appeal as against the said respondent.

2. The record shows that the respondents were served in this application. There is no appearance on behalf of the respondents.

3. In fact, the learned counsel for the appellants informs this Court that even in the appeal, despite service, the respondents have not appeared before this Court.

4. This Court has perused the contents of the application. Sufficient grounds are made out for condoning delay and this Court is of the opinion that, in the interest of justice, the application deserves to be allowed so that the cause title can be appropriately amended and the appeal can be taken up for further consideration.

5. In view of the above, the application is allowed in terms of prayer clauses (a) to (d).

6. Consequential amendments be carried out within two weeks from today.

7. List the appeal for consideration on 11.11.2025.

(MANISH PITALE, J.)

Minal Parab